

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

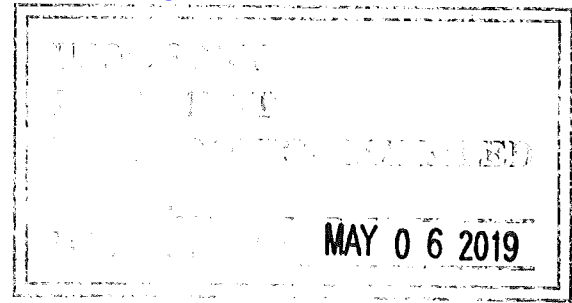
Red Tree Investments, LLC,

Plaintiffs,

—v—

Petróleos de Venezuela, S.A, et al.,

Defendants.



19-cv-2523 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Now before the Court is Defendants’ motion to stay proceedings in the above-captioned case for 120 days in light of the political situation in Venezuela. Dkt. No. 9. The Court has reviewed Defendants’ motion, Dkt Nos. 9–11, Plaintiff’s opposition, Dkt. Nos. 13, and Defendants’ reply, Dkt. No. 17. Defendants argue that a stay is warranted because the United States-recognized government of Venezuela, led by Mr. Guaidó, does not at present have “full access to the personnel and documents of the government and its instrumentalities, including Defendants.” Dkt. No. 11, at 6. Plaintiff responds that it would be prejudiced by an “indefinite delay,” and that no additional factual development from Defendants is required for the Court to grant Plaintiff’s requested relief. Dkt. No. 13 at 2–3.

The Court is cognizant of the Plaintiff’s interest in proceeding expeditiously with this litigation. However, Defendants have a substantial interest in securing access to relevant facts and personnel. Even if, as Plaintiff argues, it has submitted sufficient evidence to make out a *prima facie* case for recovery, Defendants are nonetheless permitted to file an opposition supported by affidavits, declarations, or any other admissible evidence relevant to possible defenses. *See* Fed. R. Civ. P. 56. Given the current political environment in Venezuela, the Court credits Defendants assertion that they “are not in a position to provide their counsel with

sufficient information to respond to the allegations of [Plaintiff] in this action, or obtain the necessary documents and testimony required to defend the merits of the case.” Dkt. No. 11 at 6. The judicial interest in favor of resolving cases on their merits also weights in favor of granting a stay. The Court concludes that these interests outweigh Plaintiff’s interest in avoiding delay, at least with respect to the limited period at issue in this motion.

Defendants’ motion to stay for a period of 120 days is therefore GRANTED. The parties shall file a status update with the Court no later than 120 days from the date of this Order.

SO ORDERED.

Dated: May 3, 2019
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', is written over a horizontal line.

ALISON J. NATHAN
United States District Judge